



March 25, 2015

ENGROSSED HOUSE BILL No. 1242

DIGEST OF HB 1242 (Updated March 24, 2015 10:18 am - DI 103)

Citations Affected: IC 5-2; IC 36-8.

Synopsis: Reserve officer training. Requires police reserve officers to complete mandatory inservice training: (1) in interacting with persons with mental illness, addictive disorders, mental retardation, autism, developmental disabilities, and Alzheimer's disease or related senile dementia; and (2) concerning human and sexual trafficking and high risk missing persons. Changes the term "mental retardation" to "intellectual disability".

Effective: July 1, 2015.

Leonard, Macer, Lawson L, Zent

(SENATE SPONSORS — BANKS A, HOLDMAN)

January 13, 2015, read first time and referred to Committee on Veterans Affairs and Public Safety.

January 20, 2015, reported — Do Pass.

January 22, 2015, read second time, amended, ordered engrossed.

January 23, 2015, engrossed.

January 26, 2015, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 24, 2015, read first time and referred to Committee on Homeland Security & Transportation.

March 24, 2015, reported favorably — Do Pass.

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March 25, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1242

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-1-9, AS AMENDED BY P.L.164-2014,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 9. (a) The board shall adopt in accordance with
4 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
5 The rules, which shall be adopted only after necessary and proper
6 investigation and inquiry by the board, shall include the establishment
7 of the following:
8 (1) Minimum standards of physical, educational, mental, and
9 moral fitness which shall govern the acceptance of any person for
10 training by any law enforcement training school or academy
11 meeting or exceeding the minimum standards established
12 pursuant to this chapter.
13 (2) Minimum standards for law enforcement training schools
14 administered by towns, cities, counties, law enforcement training
15 centers, agencies, or departments of the state.

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(3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness, including training on the Unanimous Immigrant Visa created through the federal Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) that must be required for each person accepted for training at a law enforcement training school or academy. Cultural diversity awareness study must include an understanding of cultural issues related to race, religion, gender, age, domestic violence, national origin, and physical and mental disabilities.

(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with:

(A) persons with autism, mental illness, addictive disorders, ~~mental retardation~~, **intellectual disabilities**, and developmental disabilities;

(B) missing endangered adults (as defined in IC 12-7-2-131.3); and

(C) persons with Alzheimer's disease or related senile dementia;

to be provided by persons approved by the secretary of family and social services and the board.

(10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The course must cover the following topics:



- 1 (A) Examination of the human and sexual trafficking laws
- 2 (IC 35-42-3.5).
- 3 (B) Identification of human and sexual trafficking.
- 4 (C) Communicating with traumatized persons.
- 5 (D) Therapeutically appropriate investigative techniques.
- 6 (E) Collaboration with federal law enforcement officials.
- 7 (F) Rights of and protections afforded to victims.
- 8 (G) Providing documentation that satisfies the Declaration of
- 9 Law Enforcement Officer for Victim of Trafficking in Persons
- 10 (Form I-914, Supplement B) requirements established under
- 11 federal law.
- 12 (H) The availability of community resources to assist human
- 13 and sexual trafficking victims.
- 14 (b) A law enforcement officer appointed after July 5, 1972, and
- 15 before July 1, 1993, may not enforce the laws or ordinances of the state
- 16 or any political subdivision unless the officer has, within one (1) year
- 17 from the date of appointment, successfully completed the minimum
- 18 basic training requirements established under this chapter by the board.
- 19 If a person fails to successfully complete the basic training
- 20 requirements within one (1) year from the date of employment, the
- 21 officer may not perform any of the duties of a law enforcement officer
- 22 involving control or direction of members of the public or exercising
- 23 the power of arrest until the officer has successfully completed the
- 24 training requirements. This subsection does not apply to any law
- 25 enforcement officer appointed before July 6, 1972, or after June 30,
- 26 1993.
- 27 (c) Military leave or other authorized leave of absence from law
- 28 enforcement duty during the first year of employment after July 6,
- 29 1972, shall toll the running of the first year, which shall be calculated
- 30 by the aggregate of the time before and after the leave, for the purposes
- 31 of this chapter.
- 32 (d) Except as provided in subsections (e), (l), (r), and (s), a law
- 33 enforcement officer appointed to a law enforcement department or
- 34 agency after June 30, 1993, may not:
- 35 (1) make an arrest;
- 36 (2) conduct a search or a seizure of a person or property; or
- 37 (3) carry a firearm;
- 38 unless the law enforcement officer successfully completes, at a board
- 39 certified law enforcement academy or at a law enforcement training
- 40 center under section 10.5 or 15.2 of this chapter, the basic training
- 41 requirements established by the board under this chapter.
- 42 (e) This subsection does not apply to:



(1) a gaming agent employed as a law enforcement officer by the Indiana gaming commission; or

(2) an:

(A) attorney; or

(B) investigator;

designated by the securities commissioner as a police officer of the state under IC 23-19-6-1(k).

Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in subsection (d) for one (1) year after the date the law enforcement officer is appointed.

(f) The board shall adopt rules under IC 4-22-2 to establish a pre-basic course for the purpose of training:

(1) law enforcement officers;

(2) police reserve officers (as described in IC 36-8-3-20); and

(3) conservation reserve officers (as described in IC 14-9-8-27);

regarding the subjects of arrest, search and seizure, the lawful use of force, interacting with individuals with autism, and the operation of an emergency vehicle. The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of at least forty (40) hours of course work. The board may prepare the classroom part of the pre-basic course using available technology in conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including postsecondary educational institutions.

(g) The board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers **and police reserve officers (as described in IC 36-8-3-20)**. After June 30, 1993, a law enforcement officer who has satisfactorily completed basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time basis is not eligible for continued employment unless the officer satisfactorily completes the mandatory inservice training requirements established by rules adopted by the board. Inservice training must include training in interacting with persons with mental illness, addictive disorders, ~~mental~~



1 ~~retardation~~, **intellectual disabilities**, autism, developmental
 2 disabilities, and Alzheimer's disease or related senile dementia, to be
 3 provided by persons approved by the secretary of family and social
 4 services and the board, and training concerning human and sexual
 5 trafficking and high risk missing persons (as defined in IC 5-2-17-1).
 6 The board may approve courses offered by other public or private
 7 training entities, including postsecondary educational institutions, as
 8 necessary in order to ensure the availability of an adequate number of
 9 inservice training programs. The board may waive an officer's inservice
 10 training requirements if the board determines that the officer's reason
 11 for lacking the required amount of inservice training hours is due to
 12 either of the following:

- 13 (1) An emergency situation.
- 14 (2) The unavailability of courses.

15 (h) The board shall also adopt rules establishing a town marshal
 16 basic training program, subject to the following:

- 17 (1) The program must require fewer hours of instruction and class
 18 attendance and fewer courses of study than are required for the
 19 mandated basic training program.
- 20 (2) Certain parts of the course materials may be studied by a
 21 candidate at the candidate's home in order to fulfill requirements
 22 of the program.
- 23 (3) Law enforcement officers successfully completing the
 24 requirements of the program are eligible for appointment only in
 25 towns employing the town marshal system (IC 36-5-7) and having
 26 not more than one (1) marshal and two (2) deputies.
- 27 (4) The limitation imposed by subdivision (3) does not apply to an
 28 officer who has successfully completed the mandated basic
 29 training program.
- 30 (5) The time limitations imposed by subsections (b) and (c) for
 31 completing the training are also applicable to the town marshal
 32 basic training program.
- 33 (6) The program must require training in interacting with
 34 individuals with autism.

35 (i) The board shall adopt rules under IC 4-22-2 to establish an
 36 executive training program. The executive training program must
 37 include training in the following areas:

- 38 (1) Liability.
- 39 (2) Media relations.
- 40 (3) Accounting and administration.
- 41 (4) Discipline.
- 42 (5) Department policy making.



- (6) Lawful use of force.
- (7) Department programs.
- (8) Emergency vehicle operation.
- (9) Cultural diversity.

(j) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection (j), "police chief" refers to:

- (1) the police chief of any city;
- (2) the police chief of any town having a metropolitan police department; and
- (3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.

(l) A fire investigator in the division of fire and building safety appointed after December 31, 1993, is required to comply with the basic training standards established under this chapter.

(m) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).

(n) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

- (1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;
- (2) has not been employed as a law enforcement officer for at least two (2) years and less than six (6) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement; and



(3) completed at any time a basic training course certified by the board before the officer is hired under subdivision (1).

(o) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

(1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;

(2) has not been employed as a law enforcement officer for at least six (6) years and less than ten (10) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement;

(3) is hired under subdivision (1) in an upper level policymaking position; and

(4) completed at any time a basic training course certified by the board before the officer is hired under subdivision (1).

A refresher course established under this subsection may not exceed one hundred twenty (120) hours of course work. All credit hours received for successfully completing the police chief executive training program under subsection (i) shall be applied toward the refresher course credit hour requirements.

(p) Subject to subsection (q), an officer to whom subsection (n) or (o) applies must successfully complete the refresher course described in subsection (n) or (o) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:

(1) arrest;

(2) search; and

(3) seizure.

(q) A law enforcement officer who has worked as a law enforcement officer for less than twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) is not eligible to attend the refresher course described in subsection (n) or (o) and must repeat the full basic training course to regain law enforcement powers. However, a law enforcement officer who has worked as a law enforcement officer for at least twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) and who otherwise satisfies the requirements of subsection (n) or (o) is not required to repeat the full basic training course to regain law enforcement power but shall attend the refresher course described in subsection (n) or (o) and the pre-basic training course established under subsection (f).

(r) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:



(1) the agent successfully completes the pre-basic course established in subsection (f); and

(2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

(s) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police powers described in subsection (d) if:

(1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and

(2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.

(t) As used in this section, "upper level policymaking position" refers to the following:

(1) If the authorized size of the department or town marshal system is not more than ten (10) members, the term refers to the position held by the police chief or town marshal.

(2) If the authorized size of the department or town marshal system is more than ten (10) members but less than fifty-one (51) members, the term refers to:

(A) the position held by the police chief or town marshal; and

(B) each position held by the members of the police department or town marshal system in the next rank and pay grade immediately below the police chief or town marshal.

(3) If the authorized size of the department or town marshal system is more than fifty (50) members, the term refers to:

(A) the position held by the police chief or town marshal; and

(B) each position held by the members of the police department or town marshal system in the next two (2) ranks and pay grades immediately below the police chief or town marshal.

(u) This subsection applies only to a correctional police officer employed by the department of correction. A correctional police officer may exercise the police powers described in subsection (d) if:

(1) the officer successfully completes the pre-basic course described in subsection (f); and

(2) the officer successfully completes any other training courses established by the department of correction in conjunction with the board.

SECTION 2. IC 36-8-3-20 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 20. (a) This section
2 applies to counties and towns as well as cities.

3 (b) A unit may provide by ordinance for any number of police
4 reserve officers.

5 (c) Police reserve officers shall be appointed by the same authority
6 that appoints regular members of the department.

7 (d) Police reserve officers may be designated by another name
8 specified by ordinance.

9 (e) Police reserve officers may not be members of the regular police
10 department but have all of the same police powers as regular members,
11 except as limited by the rules of the department. Each department may
12 adopt rules to limit the authority of police reserve officers.

13 (f) To the extent that money is appropriated for a purpose listed in
14 this subsection, police reserve officers may receive any of the
15 following:

16 (1) A uniform allowance.

17 (2) Compensation for time lost from other employment because
18 of court appearances.

19 (3) Insurance for life, accident, and sickness coverage.

20 (4) In the case of county police reserve officers, compensation for
21 lake patrol duties that the county sheriff assigns and approves for
22 compensation.

23 (g) Police reserve officers are not eligible to participate in any
24 pension program provided for regular members of the department.

25 (h) A police reserve officer may not be appointed until ~~he~~ **the**
26 **officer** has completed the training and probationary period specified by
27 rules of the department.

28 (i) A police reserve officer appointed by the department after June
29 30, 1993, may not:

30 (1) make an arrest;

31 (2) conduct a search or a seizure of a person or property; or

32 (3) carry a firearm;

33 unless the police reserve officer successfully completes a pre-basic
34 course under IC 5-2-1-9(f).

35 (j) A police reserve officer may be covered by the medical treatment
36 and burial expense provisions of the worker's compensation law
37 (IC 22-3-2 through IC 22-3-6) and the worker's occupational diseases
38 law (IC 22-3-7). If compensability of the injury is an issue, the
39 administrative procedures of IC 22-3-2 through IC 22-3-6 and
40 IC 22-3-7 shall be used to determine the issue.

41 (k) A police reserve officer carrying out lake patrol duties under this
42 chapter is immune from liability under IC 34-30-12, notwithstanding



1 the payment of compensation to the officer.

2 (l) After June 30, 2015, a police reserve officer who has
3 satisfactorily completed pre-basic training and has been appointed
4 to a law enforcement department or agency on either a full-time or
5 part-time basis is not eligible for continued employment unless the
6 police reserve officer satisfactorily completes the mandatory
7 inservice training requirements established by rules adopted by the
8 law enforcement training board (created by IC 5-2-1-3). Inservice
9 training must include training in interacting with persons with
10 mental illness, addictive disorders, intellectual disabilities, autism,
11 developmental disabilities, and Alzheimer's disease or related
12 senile dementia, to be provided by persons approved by the
13 secretary of family and social services and the board. The inservice
14 training must also concern human and sexual trafficking and high
15 risk missing persons (as defined in IC 5-2-17-1). The board may
16 approve courses offered by other public or private training entities,
17 including postsecondary educational institutions, as necessary in
18 order to ensure the availability of an adequate number of inservice
19 training programs. The board may waive a police reserve officer's
20 inservice training requirements if the board determines that the
21 police reserve officer's reason for lacking the required amount of
22 inservice training hours is due to either of the following:

23 (1) An emergency situation.

24 (2) The unavailability of courses.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1242, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1242 as introduced.)

FRYE R

Committee Vote: Yeas 13, Nays 0

HOUSE MOTION

Mr. Speaker: I move that House Bill 1242 be amended to read as follows:

Page 2, line 30, strike "mental retardation," and insert "**intellectual disabilities**,".

Page 4, line 41, after "disorders," strike "mental".

Page 4, line 42, strike "retardation," and insert "**intellectual disabilities**,".

Page 10, line 8, delete "mental retardation," and insert "**intellectual disabilities**,".

(Reference is to HB 1242 as printed January 20, 2015.)

LEONARD

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security & Transportation, to which was referred House Bill No. 1242, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1242 as reprinted January 23, 2015.)

YODER, Chairperson

Committee Vote: Yeas 10, Nays 0

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